

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

94TH LEGISLATIVE DAY

PERFUNCTORY SESSION

FRIDAY, FEBRUARY 5, 2010

12:00 O'CLOCK NOON

**HOUSE OF REPRESENTATIVES
Daily Journal Index
94th Legislative Day**

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The House of Representatives met in Perfunctory Session pursuant to adjournment.

REPORTS

The Clerk of the House acknowledges receipt of the following correspondence:

Compliance of the 5-day General Assembly Notification Requirement in the Personal Information Protection Act Section 25, submitted by Western Illinois University on February 4, 2010.

Illinois Ryan White HIV/AIDS Program Statewide Coordinated Statement of Need and Comprehensive Plan for HIV/AIDS Services April 2009, submitted by Department of Public Health on February 4, 2010.

Illinois Personal Information Protection Act, the Department of Mathematics of Southern Illinois University Carbondale Reports a Possible Breach of Security, submitted by Southern Illinois University Carbondale on February 5, 2010.

Compliance Examination on the Office of the Auditor General for the two years ended June 30, 2009, submitted by Legislative Audit Commission on February 5, 2010.

Guardianship and Advocacy Commission - Compliance Examination, submitted by Office of the Auditor General on February 5, 2010.

Illinois State Board of Education - Financial Audit, submitted by Office of the Auditor General on February 5, 2010.

Regional Office of Education #3: Bond, Effingham, and Fayette Counties, submitted by Office of the Auditor General on February 5, 2010.

Regional Office of Education #39: Macon and Piatt Counties, submitted by Office of the Auditor General on February 5, 2010.

Regional Office of Education #41: Madison County, submitted by Office of the Auditor General on February 5, 2010.

Intermediate Service Center #1: North Cook County, submitted by Office of the Auditor General on February 5, 2010.

MOTIONS SUBMITTED

Representative Bost submitted the following written motion, which was placed on the order of Motions in Writing:

MOTION

Pursuant to Rule 60(b), I move to table HOUSE BILL 4907.

FISCAL NOTE SUPPLIED

A Fiscal Note has been supplied for SENATE BILL 2093, as amended.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 5312. Introduced by Representative Saviano, AN ACT concerning public employee benefits.

HOUSE BILL 5313. Introduced by Representatives Saviano - Reitz, AN ACT concerning gaming.

HOUSE BILL 5314. Introduced by Representative Reitz, AN ACT concerning professional regulation.

HOUSE BILL 5315. Introduced by Representative Verschoore, AN ACT concerning cemeteries.

HOUSE BILL 5316. Introduced by Representative Joyce, AN ACT concerning professions and occupations.

HOUSE BILL 5317. Introduced by Representative Joyce, AN ACT concerning public employee benefits.

HOUSE BILL 5318. Introduced by Representative Joyce, AN ACT in relation to public employee benefits.

HOUSE BILL 5319. Introduced by Representative Joyce, AN ACT concerning government.

HOUSE BILL 5320. Introduced by Representative Senger, AN ACT concerning criminal law.

HOUSE BILL 5321. Introduced by Representative Senger, AN ACT concerning criminal law.

HOUSE BILL 5322. Introduced by Representatives Currie - Colvin - Mitchell, Jerry - Eddy - Smith, Chapa LaVia, Davis, William, Hernandez, Miller, Pritchard, Nekritz, Osterman, Pihos, Mautino, Ford, Flider, Senger, Froehlich, Davis, Monique, Black, Beiser, Burns, Gordon, Jehan, Lang, Howard, Hannig, Holbrook, Moffitt, Feigenholtz, Bellock, Riley, McAuliffe, Coladipietro, Collins, Lyons, Jakobsson, Gordon, Careen, Coulson, Ramey and Reboletti, AN ACT concerning education.

HOUSE BILL 5323. Introduced by Representative Ford, AN ACT concerning regulation.

HOUSE BILL 5324. Introduced by Representative Burke, AN ACT concerning regulation.

HOUSE BILL 5325. Introduced by Representative Burke, AN ACT concerning health.

HOUSE BILL 5326. Introduced by Representative Golar, AN ACT concerning health.

HOUSE BILL 5327. Introduced by Representative Durkin, AN ACT concerning transportation.

HOUSE BILL 5328. Introduced by Representative Connelly, AN ACT concerning public employee benefits.

HOUSE BILL 5329. Introduced by Representative Phelps, AN ACT concerning government.

HOUSE BILL 5330. Introduced by Representative Beiser, AN ACT concerning transportation.

HOUSE BILL 5331. Introduced by Representative Reitz, AN ACT concerning public aid.

HOUSE BILL 5332. Introduced by Representative Berrios, AN ACT concerning finance.

HOUSE BILL 5333. Introduced by Representative Berrios, AN ACT concerning appropriations.

HOUSE BILL 5334. Introduced by Representative Berrios, AN ACT concerning insurance.

HOUSE BILL 5335. Introduced by Representative Berrios, AN ACT concerning revenue.

- HOUSE BILL 5336. Introduced by Representative Senger, AN ACT concerning local government.
- HOUSE BILL 5337. Introduced by Representative May, AN ACT concerning regulation.
- HOUSE BILL 5338. Introduced by Representative May, AN ACT concerning health.
- HOUSE BILL 5339. Introduced by Representative Chapa LaVia, AN ACT concerning appropriations.
- HOUSE BILL 5340. Introduced by Representative Chapa LaVia, AN ACT concerning education.
- HOUSE BILL 5341. Introduced by Representative Chapa LaVia, AN ACT concerning transportation.
- HOUSE BILL 5342. Introduced by Representative Chapa LaVia, AN ACT concerning transportation.
- HOUSE BILL 5343. Introduced by Representative Chapa LaVia, AN ACT concerning civil law.
- HOUSE BILL 5344. Introduced by Representative Chapa LaVia, AN ACT concerning education.
- HOUSE BILL 5345. Introduced by Representative Chapa LaVia, AN ACT concerning revenue.
- HOUSE BILL 5346. Introduced by Representative Chapa LaVia, AN ACT concerning local government.
- HOUSE BILL 5347. Introduced by Representative Chapa LaVia, AN ACT concerning utilities.
- HOUSE BILL 5348. Introduced by Representative Chapa LaVia, AN ACT concerning utilities.
- HOUSE BILL 5349. Introduced by Representative Colvin, AN ACT concerning employment.
- HOUSE BILL 5350. Introduced by Representative Bellock, AN ACT concerning health.
- HOUSE BILL 5351. Introduced by Representatives Bellock - Pihos - Currie - Coulson, AN ACT concerning health.
- HOUSE BILL 5352. Introduced by Representatives Saviano - Zalewski, AN ACT concerning insurance.
- HOUSE BILL 5353. Introduced by Representative Mathias, AN ACT concerning government.
- HOUSE BILL 5354. Introduced by Representative Saviano, AN ACT concerning regulation.
- HOUSE BILL 5355. Introduced by Representatives Fritchey - Joyce, AN ACT concerning revenue.
- HOUSE BILL 5356. Introduced by Representative Zalewski, AN ACT concerning regulation.
- HOUSE BILL 5357. Introduced by Representatives Coulson - Bellock, AN ACT concerning State government.
- HOUSE BILL 5358. Introduced by Representative Phelps, AN ACT concerning officials.
- HOUSE BILL 5359. Introduced by Representative Burke, AN ACT concerning criminal law.
- HOUSE BILL 5360. Introduced by Representative Burke, AN ACT concerning corrections.
- HOUSE BILL 5361. Introduced by Representative Burke, AN ACT concerning courts.
- HOUSE BILL 5362. Introduced by Representative Burke, AN ACT concerning criminal law.
- HOUSE BILL 5363. Introduced by Representative Burke, AN ACT concerning criminal law.

- HOUSE BILL 5364. Introduced by Representative Burke, AN ACT concerning criminal law.
- HOUSE BILL 5365. Introduced by Representative Burke, AN ACT concerning public employee benefits.
- HOUSE BILL 5366. Introduced by Representative Burke, AN ACT concerning public employee benefits.
- HOUSE BILL 5367. Introduced by Representative Burke, AN ACT concerning criminal law.
- HOUSE BILL 5368. Introduced by Representative Burke, AN ACT concerning transportation.
- HOUSE BILL 5369. Introduced by Representative Washington, AN ACT concerning civil law.
- HOUSE BILL 5370. Introduced by Representative Washington, AN ACT concerning aging.
- HOUSE BILL 5371. Introduced by Representative Washington, AN ACT concerning aging.
- HOUSE BILL 5372. Introduced by Representative Lyons, AN ACT concerning transportation.
- HOUSE BILL 5373. Introduced by Representative Lyons, AN ACT concerning public employee benefits.
- HOUSE BILL 5374. Introduced by Representative Crespo, AN ACT concerning revenue.
- HOUSE BILL 5375. Introduced by Representative Crespo, AN ACT concerning sex offenders.
- HOUSE BILL 5376. Introduced by Representative Jakobsson, AN ACT concerning not-for-profit corporations.
- HOUSE BILL 5377. Introduced by Representative Mautino, AN ACT concerning professional regulation.
- HOUSE BILL 5378. Introduced by Representative Holbrook, AN ACT concerning utilities.
- HOUSE BILL 5379. Introduced by Representative Holbrook, AN ACT concerning utilities.
- HOUSE BILL 5380. Introduced by Representative Holbrook, AN ACT concerning revenue.
- HOUSE BILL 5381. Introduced by Representative Reboletti, AN ACT concerning courts.
- HOUSE BILL 5382. Introduced by Representative Nekritz, AN ACT concerning medical privacy.
- HOUSE BILL 5383. Introduced by Representative Holbrook, AN ACT concerning safety.
- HOUSE BILL 5384. Introduced by Representative Holbrook, AN ACT concerning safety.
- HOUSE BILL 5385. Introduced by Representative Holbrook, AN ACT concerning safety.
- HOUSE BILL 5386. Introduced by Representative Holbrook, AN ACT concerning safety.
- HOUSE BILL 5387. Introduced by Representative Holbrook, AN ACT concerning safety.
- HOUSE BILL 5388. Introduced by Representative Howard, AN ACT concerning regulation.
- HOUSE BILL 5389. Introduced by Representative McAuliffe, AN ACT concerning public employee benefits.
- HOUSE BILL 5390. Introduced by Representative Howard, AN ACT concerning human rights.

HOUSE BILL 5391. Introduced by Representative McAuliffe, AN ACT concerning public employee benefits.

HOUSE BILL 5392. Introduced by Representative McAuliffe, AN ACT concerning public employee benefits.

HOUSE BILL 5393. Introduced by Representative McAuliffe, AN ACT concerning public employee benefits.

HOUSE BILL 5394. Introduced by Representative Howard, AN ACT concerning criminal law.

HOUSE BILL 5395. Introduced by Representative McAuliffe, AN ACT concerning public employee benefits.

HOUSE BILL 5396. Introduced by Representative McAuliffe, AN ACT concerning public employee benefits.

HOUSE BILL 5397. Introduced by Representative McAuliffe, AN ACT concerning public employee benefits.

HOUSE BILL 5398. Introduced by Representative McAuliffe, AN ACT concerning veterans.

HOUSE BILL 5399. Introduced by Representative Howard, AN ACT concerning criminal law.

HOUSE BILL 5400. Introduced by Representative Howard, AN ACT concerning education.

HOUSE BILL 5401. Introduced by Representative Howard, AN ACT concerning criminal law.

HOUSE BILL 5402. Introduced by Representative Howard, AN ACT concerning criminal law.

HOUSE BILL 5403. Introduced by Representative Hernandez, AN ACT concerning education.

HOUSE BILL 5404. Introduced by Representative Howard, AN ACT concerning State government.

HOUSE BILL 5405. Introduced by Representative Rita, AN ACT concerning State government.

HOUSE BILL 5406. Introduced by Representative Rita, AN ACT concerning State government.

HOUSE BILL 5407. Introduced by Representative Davis, William, AN ACT concerning insurance.

HOUSE BILL 5408. Introduced by Representative Davis, William, AN ACT concerning revenue.

HOUSE BILL 5409. Introduced by Representative Thapedi, AN ACT concerning insurance.

HOUSE BILL 5410. Introduced by Representative Howard, AN ACT concerning criminal law.

HOUSE BILL 5411. Introduced by Representative Burns, AN ACT concerning education.

HOUSE BILL 5412. Introduced by Representative Moffitt, AN ACT concerning safety.

HOUSE BILL 5413. Introduced by Representative Collins, AN ACT concerning criminal law.

HOUSE BILL 5414. Introduced by Representative Collins, AN ACT concerning courts.

HOUSE BILL 5415. Introduced by Representative Collins, AN ACT concerning education.

HOUSE BILL 5416. Introduced by Representative McCarthy, AN ACT concerning State government.

HOUSE BILL 5417. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5418. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5419. Introduced by Representative Mell, AN ACT concerning health.

HOUSE BILL 5420. Introduced by Representative Mell, AN ACT concerning State government.

HOUSE BILL 5421. Introduced by Representative Mell, AN ACT concerning sex offenders.

HOUSE BILL 5422. Introduced by Representative Nekritz, AN ACT concerning condominium property.

HOUSE BILL 5423. Introduced by Representative Jefferson, AN ACT concerning revenue.

HOUSE BILL 5424. Introduced by Representative Jefferson, AN ACT concerning State government.

HOUSE BILL 5425. Introduced by Representative Jefferson, AN ACT concerning employment.

HOUSE BILL 5426. Introduced by Representative Jefferson, AN ACT concerning criminal law.

HOUSE BILL 5427. Introduced by Representative Sullivan, AN ACT concerning local government.

HOUSE BILL 5428. Introduced by Representative Feigenholtz, AN ACT concerning civil law.

HOUSE BILL 5429. Introduced by Representative Feigenholtz, AN ACT concerning civil law.

HOUSE BILL 5430. Introduced by Representative Feigenholtz, AN ACT concerning regulation.

HOUSE BILL 5431. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5432. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5433. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5434. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5435. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5436. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5437. Introduced by Representative McCarthy, AN ACT concerning gaming.

HOUSE BILL 5438. Introduced by Representatives Reitz - Saviano - Phelps, AN ACT concerning finance.

HOUSE BILL 5439. Introduced by Representative McCarthy, AN ACT concerning regulation.

HOUSE BILL 5440. Introduced by Representative McCarthy, AN ACT concerning regulation.

HOUSE BILL 5441. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5442. Introduced by Representative McCarthy, AN ACT concerning public employee benefits.

HOUSE BILL 5443. Introduced by Representative Reboletti, AN ACT concerning criminal law.

HOUSE BILL 5444. Introduced by Representative Reboletti, AN ACT concerning criminal law.

HOUSE BILL 5445. Introduced by Representative Reboletti, AN ACT concerning criminal law.

HOUSE BILL 5446. Introduced by Representative Riley, AN ACT concerning local government.

HOUSE BILL 5447. Introduced by Representative Riley, AN ACT concerning revenue.

HOUSE BILL 5448. Introduced by Representative Riley, AN ACT concerning child support.

HOUSE BILL 5449. Introduced by Representative Lyons, AN ACT concerning regulation.

HOUSE BILL 5450. Introduced by Representative Nekritz, AN ACT concerning education.

HOUSE BILL 5451. Introduced by Representative Beaubien, AN ACT concerning revenue.

HOUSE BILL 5452. Introduced by Representative Beiser, AN ACT concerning aging.

HOUSE BILL 5453. Introduced by Representative Franks, AN ACT concerning State government.

HOUSE BILL 5454. Introduced by Representative May, AN ACT concerning transportation.

HOUSE BILL 5455. Introduced by Representative Franks, AN ACT concerning government.

HOUSE BILL 5456. Introduced by Representative Beiser, AN ACT concerning civil law.

HOUSE BILL 5457. Introduced by Representative Beiser, AN ACT concerning regulation.

HOUSE BILL 5458. Introduced by Representative Franks, AN ACT concerning government.

HOUSE BILL 5459. Introduced by Representative Coulson, AN ACT concerning children.

HOUSE BILL 5460. Introduced by Representative Coulson, AN ACT concerning criminal law.

HOUSE BILL 5461. Introduced by Representative Coulson, AN ACT concerning government.

HOUSE BILL 5462. Introduced by Representative Coulson, AN ACT concerning criminal law.

HOUSE BILL 5463. Introduced by Representative Currie, AN ACT concerning government.

HOUSE BILL 5464. Introduced by Representative Coulson, AN ACT concerning government.

HOUSE BILL 5465. Introduced by Representative Coulson, AN ACT concerning criminal law.

HOUSE BILL 5466. Introduced by Representative Coulson, AN ACT concerning education.

HOUSE BILL 5467. Introduced by Representative Coulson, AN ACT concerning libraries.

- HOUSE BILL 5468. Introduced by Representative Coulson, AN ACT concerning regulation.
- HOUSE BILL 5469. Introduced by Representative Farnham, AN ACT concerning financial regulation.
- HOUSE BILL 5470. Introduced by Representative Farnham, AN ACT concerning revenue.
- HOUSE BILL 5471. Introduced by Representative Flowers, AN ACT concerning insurance.
- HOUSE BILL 5472. Introduced by Representative Flowers, AN ACT concerning education.
- HOUSE BILL 5473. Introduced by Representative Flowers, AN ACT concerning insurance.
- HOUSE BILL 5474. Introduced by Representative Flowers, AN ACT concerning drug prices.
- HOUSE BILL 5475. Introduced by Representative Flowers, AN ACT concerning regulation.
- HOUSE BILL 5476. Introduced by Representative Flowers, AN ACT concerning financial regulation.
- HOUSE BILL 5477. Introduced by Representative McAuliffe, AN ACT concerning local government.
- HOUSE BILL 5478. Introduced by Representative McAuliffe, AN ACT concerning public employee benefits.
- HOUSE BILL 5479. Introduced by Representative McAuliffe, AN ACT concerning civil law.
- HOUSE BILL 5480. Introduced by Representative Osterman, AN ACT concerning public safety.
- HOUSE BILL 5481. Introduced by Representative Kosel, AN ACT concerning education.
- HOUSE BILL 5482. Introduced by Representative Kosel, AN ACT concerning utilities.
- HOUSE BILL 5483. Introduced by Representative Kosel, AN ACT concerning government.
- HOUSE BILL 5484. Introduced by Representative Kosel, AN ACT concerning civil law.
- HOUSE BILL 5485. Introduced by Representative Kosel, AN ACT concerning local government.
- HOUSE BILL 5486. Introduced by Representative Kosel, AN ACT concerning transportation.
- HOUSE BILL 5487. Introduced by Representative Mitchell, Bill, AN ACT concerning employment.
- HOUSE BILL 5488. Introduced by Representative Mitchell, Bill, AN ACT concerning government.
- HOUSE BILL 5489. Introduced by Representative Ramey, AN ACT concerning orders of protection.
- HOUSE BILL 5490. Introduced by Representative Sacia, AN ACT concerning elections.
- HOUSE BILL 5491. Introduced by Representative Moffitt, AN ACT concerning utilities.
- HOUSE BILL 5492. Introduced by Representative Crespo, AN ACT concerning transportation.
- HOUSE BILL 5493. Introduced by Representative Gordon, Careen, AN ACT concerning liquor.
- HOUSE BILL 5494. Introduced by Representative Washington, AN ACT concerning criminal law.
- HOUSE BILL 5495. Introduced by Representative Burns, AN ACT concerning criminal law.

HOUSE BILL 5496. Introduced by Representative Burke, AN ACT concerning public employee benefits.

HOUSE BILL 5497. Introduced by Representative Burke, AN ACT concerning public employee benefits.

HOUSE BILL 5498. Introduced by Representative Burke, AN ACT concerning public employee benefits.

HOUSE BILL 5499. Introduced by Representative Washington, AN ACT concerning aging.

HOUSE BILL 5500. Introduced by Representative Boland, AN ACT concerning education.

HOUSE BILL 5501. Introduced by Representative Hernandez, AN ACT concerning hunger.

HOUSE BILL 5502. Introduced by Representative Hernandez, AN ACT concerning regulation.

HOUSE BILL 5503. Introduced by Representative Hernandez, AN ACT concerning government.

HOUSE BILL 5504. Introduced by Representative Rose, AN ACT concerning finance.

HOUSE BILL 5505. Introduced by Representative Hoffman, AN ACT concerning State government.

HOUSE BILL 5506. Introduced by Representative Kosel, AN ACT concerning public employee benefits.

HOUSE BILL 5507. Introduced by Representative Gordon, Careen, AN ACT concerning transportation.

HOUSE BILL 5508. Introduced by Representative Nekritz, AN ACT concerning insurance.

HOUSE BILL 5509. Introduced by Representative Nekritz, AN ACT concerning civil law.

HOUSE BILL 5510. Introduced by Representative Farnham, AN ACT concerning civil law.

HOUSE BILL 5511. Introduced by Representative Eddy, AN ACT concerning public employee benefits.

**HOUSE JOINT RESOLUTIONS
CONSTITUTIONAL AMENDMENTS
FIRST READING**

Representative Coulson introduced the following:

**HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT 45**

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article VI of the Illinois Constitution by changing Sections 7, 8, and 12 and adding Sections 12.1, 12.2, 12.3, 12.4, and 12.5 as follows:

ARTICLE VI
THE JUDICIARY

SECTION 7. JUDICIAL CIRCUITS

(a) The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large.

(b) Each Judicial Circuit shall have one Circuit Court with such number of Circuit Judges as provided by law. Unless otherwise provided by law, there shall be at least one Circuit Judge from each county. ~~In the First Judicial District, unless otherwise provided by law, Cook County, Chicago, and the area outside Chicago shall be separate units for the selection of Circuit Judges, with at least twelve chosen at large from the area outside Chicago and at least thirty six chosen at large from Chicago.~~

(c) Circuit Judges in each circuit shall select by secret ballot a Chief Judge from their number to serve at their pleasure. Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court.

(Source: Illinois Constitution.)

SECTION 8. ASSOCIATE JUDGES

Each Circuit Court shall have such number of Associate Judges as provided by law. In the First Judicial District and in each Judicial Circuit that adopts Sections 12.1 and 12.3 by a local option referendum under Section 12.2, no new Associate Judges shall be appointed, but existing Associate Judges shall be eligible for reappointment by the Circuit Judges in each circuit as the Supreme Court shall provide by rule; otherwise Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. ~~In the First Judicial District, unless otherwise provided by law, at least one fourth of the Associate Judges shall be appointed from, and reside, outside Chicago.~~ The Supreme Court shall provide by rule for matters to be assigned to Associate Judges.

(Source: Illinois Constitution.)

SECTION 12. ELECTION OF CIRCUIT JUDGES AND RETENTION

(a) In the First Judicial District and in Judicial Circuits that adopt Sections 12.1 and 12.3 by a local option referendum under Section 12.2, Circuit Judges shall be selected in the manner provided by those Sections, unless that manner of selection is terminated by referendum under Section 12.2; otherwise, Circuit Judges shall be elected in the manner provided by this Section.

(b) ~~Supreme, Appellate and~~ Circuit Judges shall be nominated at primary elections or by petition and - Judges shall be elected at general ~~or judicial~~ elections as provided ~~the General Assembly shall provide~~ by law. A person eligible for the office of Circuit Judge may cause his or her name to appear on the ballot as a candidate for Circuit Judge at ~~the~~ primary and at ~~the~~ general ~~or judicial~~ elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions. A Circuit Judge elected to office under this subsection (b) may stand for retention for a full term under Section 12.4.

(c) ~~(b)~~ The office of a Circuit Judge shall be vacant upon the incumbent's ~~his~~ death, resignation, retirement, or removal, ~~or~~ upon the conclusion of a ~~his~~ term without retention in office, or - whenever an additional ~~Appellate or~~ Circuit Judge is authorized by law, ~~the office shall be filled in the manner provided for filling a vacancy in that office.~~

(d) ~~(e)~~ A vacancy occurring in the office of ~~Supreme, Appellate or~~ Circuit Judge shall be filled as the General Assembly may provide by law or - in the absence of a law, ~~vacancies may be filled~~ by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Circuit Judges shall serve until the first Monday in December following ~~vacancy is filled for a term at the next general or judicial election next following the appointment.~~ A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Circuit Judges shall serve until the the first Monday in December following ~~vacancy is filled at the second general or judicial election following such appointment.~~

(d) ~~Not less than six months before the general election preceding the expiration of his term of office, a Supreme, Appellate or Circuit Judge who has been elected to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election.~~

(e) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become effective when a vacancy occurs in the affected unit.

(Source: Illinois Constitution.)

SECTION 12.1. APPOINTMENT OF JUDGES

(a) This Section governs the selection of Supreme and Appellate Judges and the selection of Circuit Judges of the First Judicial District and Circuits that adopt this Section and Section 12.3 by a local option referendum under Section 12.2. For purposes of this Section and Section 12.4, the term "Judge" includes all Supreme, Appellate, and Circuit Judges selected in accordance with this Section except where a distinction is indicated.

(b) Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions.

(c) The office of a Judge shall be vacant upon the incumbent's death, resignation, retirement, or removal, upon conclusion of a term without retention in office, or whenever an increase in the number of Judges is authorized.

(d) As soon as a vacancy occurs in the office of Judge or will occur within 6 months by a day certain, or upon receiving notice from the Governor that all 3 nominees on a list have been rejected, the administrative director of the Illinois courts shall promptly notify the chairperson of the appropriate Judicial Nominating Commission, who shall immediately convene the Commission.

(e) Within 42 days after receiving notice from the administrative director of the Illinois courts, the Commission shall submit to the Governor a list of 3 nominees in alphabetical order, who are qualified for review by the Commission. For the purposes of Sections 12.1 through 12.5, "qualified for review by the Commission" means persons who by their character, temperament, professional aptitude, experience, and commitment to equal justice under law are deemed by the Commission to be best qualified to fill the vacancy. The Commission may not include on a list a nominee who is on another list pending before the Governor to fill a vacancy in the same judicial office or who was a nominee on a list rejected by the Governor to fill a vacancy in the same judicial office. No list shall have any effect after the required appointment is made from the list or all 3 nominees on the list are rejected by the Governor.

(f) Immediately upon receiving a list, the Governor shall make it public. Not less than 28 nor more than 56 days after receiving a list, the Governor shall appoint from the list a person to fill the vacancy or notify the administrative director of the Illinois courts that all 3 nominees on a list have been rejected.

(g) In the First Judicial District, half of the vacancies and new positions on the Circuit Court shall be filled by persons residing anywhere within the District and half shall be filled by persons residing within the divisions of the Circuit provided by law in accordance with subsection (a) of Section 7 of Article VI, if any. The appointments from the divisions, if any, within the Circuit shall be allocated equally among the divisions.

(h) A person appointed to fill a vacancy under this Section shall serve an initial term ending on the first Monday in December following the next general election held after the completion of one year in office. At that general election the Judge may stand for retention in office for a full term under Section 12.4.

SECTION 12.2. CIRCUIT LOCAL OPTION REFERENDA

(a) The electors of a Judicial Circuit may by a local option referendum adopt a proposition requiring Sections 12.1 and 12.3 to govern the selection of Circuit Judges of that Circuit. The electors of a Circuit shall vote on the proposition at the next general election held not less than 3 months following the filing of petitions with the Secretary of State, signed by at least 5% of the total number of electors who voted at the next preceding general election in that Circuit, asking that the proposition be submitted to referendum. If a majority of votes cast on the proposition are in the affirmative, Sections 12.1 and 12.3 shall thereafter govern the selection of Circuit Judges of the Circuit Court of that Circuit.

(b) After the eighth year following a local option referendum in which the electors of a circuit have adopted Sections 12.1 and 12.3 to govern the selection of Circuit Judges, the electors of the Circuit may terminate, by a local option referendum, their adoption of Sections 12.1 and 12.3. The referendum shall be subject to the same requirements and shall be conducted in the same manner as a referendum for adoption of Sections 12.1 and 12.3. If a majority of the votes cast on the proposition to terminate are in the affirmative, the selection of Circuit Judges and Associate Judges of that Circuit shall be governed by Sections 12 and 8, respectively, unless Sections 12.1 and 12.3 are again adopted under this Section.

(c) To provide time for the establishment of District Judicial Nominating Commissions, vacancies occurring in the offices of Supreme and Appellate Judge and, in the First Judicial District, Circuit Judge on or before June 30th following the date this Amendment takes effect shall continue to be filled, using the procedures in Section 12 as it existed before the effective date of this Amendment, for a term ending the first Monday in December after the next general election.

(d) To provide time for the establishment of a Circuit Judicial Nominating Commission, vacancies occurring in the offices of Circuit Judge on or before March 31st following the adoption of Sections 12.1

and 12.3 in a local option referendum in a Judicial Circuit shall continue to be filled, using the procedures applicable before the referendum, for a term ending the first Monday in December after the next general election.

SECTION 12.3. JUDICIAL NOMINATING COMMISSIONS

(a) There shall be a Judicial Nominating Commission in the First Judicial District for the nomination of Judges for the Supreme, Appellate, and Circuit Courts for that District, in each other Judicial District for the nomination of Judges for the Supreme and Appellate Courts for that District, and in each Judicial Circuit that, by a local option referendum, adopts Section 12.1 and this Section for the nomination of Circuit Judges for that Circuit.

(b) Each Judicial Nominating Commission shall consist of 12 members who are residents of the appropriate District or Circuit.

(c) The President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives shall each appoint 3 members to each Judicial Nominating Commission. Each appointing authority shall appoint one lawyer and 2 non-lawyers. Each member shall serve for a term of 6 years, except that the 3 initial members appointed by each appointing authority shall serve terms of 2, 4, and 6 years as designated by the appointing authority. Vacancies shall be filled for the unexpired term by the appointing authority who appointed the member whose office is then vacant. "Appointing authority" means the office, not the individual or political party affiliation of the individual who may hold that office from time to time.

(d) The chairperson of each Judicial Nominating Commission shall be selected by vote of all the members of the Commission. The term of a chairperson shall be for 3 years unless his or her remaining term as a member of the Commission expires sooner.

(e) A person who holds an office under the United States or this State or a unit of local government or school district and receives compensation for services rendered in that office or who holds any office or official position in a political party is ineligible to serve on a Judicial Nominating Commission. Compensation for service in the State militia or the armed services of the United States for a period of time to be determined by the Supreme Court by rule shall not be considered a disqualification. No member of a Judicial Nominating Commission may be appointed to judicial office while serving on the Commission or for a period of 3 years after his or her service on a Commission has ended.

(f) A member who has served a full term of 6 years on a Judicial Nominating Commission may not serve on a Commission during the next 3 years. No person may serve on more than one Judicial Nominating Commission at the same time.

(g) A Commission may conduct investigations, meetings, and hearings, all of which may be secret, and employ staff members that may be necessary to perform the Commission's duties. Members of Commissions shall not receive any compensation for their services, but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds to the Supreme Court for reimbursement of those expenses and for all other administrative expenses of the Commissions.

(h) Nominations shall be submitted to the Governor only upon concurrence of not less than two-thirds of all members of the Commission.

(i) All lawyer and non-lawyer members of each Judicial Nominating Commission shall be subject to ethics and economic disclosure requirements as provided by law.

SECTION 12.4. RETENTION ELECTIONS

(a) Not less than 6 months before the general election next preceding the expiration of the term of office of (i) a Supreme, Appellate, or Circuit Judge who was elected to that office or (ii) a Supreme, Appellate, or Circuit Judge who was appointed to that office under Section 12.1, he or she may file in the office of the Secretary of State a declaration of candidacy for retention in that office for a full term. Not less than 63 days before the election, the Secretary of State shall certify the Judge's candidacy to the proper election officials. At the election the name of each Judge who has timely filed a declaration of candidacy for retention (except each Supreme, Appellate, and Circuit Judge who, under Section 12.5, has been found qualified for review by the Commission and qualified to serve for the succeeding term) shall be submitted to the electors, separately and without party designation, on the sole question of retention in office for another term. Retention elections shall be conducted at general elections in the appropriate Judicial Districts and Circuits. The affirmative vote of three-fifths of the electors voting on the question of retention shall elect a Judge to that office for a full term commencing on the first Monday in December following the election.

(b) A Judge eligible to file a declaration of candidacy for retention who fails to do so within the time specified in subsection (a) or, having filed, fails to be retained shall vacate the office on the first Monday in

December following the election, whether or not a successor has yet qualified. If an incumbent Judge, eligible to do so, does not timely file a declaration of candidacy for retention, the selection of a successor, if any, shall proceed immediately in the manner provided in Section 12 or 12.1, whichever applies, so that the successor may take office as soon as a vacancy occurs.

(c) An authorized reduction in the number of Judges shall be without prejudice to the right of Judges in office at the time to seek retention in accordance with this Section. The reduction shall become effective when a vacancy occurs in the affected unit.

SECTION 12.5. JUDICIAL REVIEW COMMISSIONS

(a) In the First Judicial District, in each other Judicial District, and in each Judicial Circuit that, by local option referendum, has adopted Sections 12.1 and 12.3 for selection of Circuit Judges for that circuit, a Judicial Review Commission shall be created and empowered to determine qualification for retention of appointed Supreme, Appellate, and Circuit Judges.

(b) The members of a Judicial Review Commission shall be appointed in the manner specified in subsection (c) of Section 12.3 for appointment or election of members of a Judicial Nominating Commission.

(c) The terms of all members of a Judicial Review Commission shall begin 6 months before the general election in each year in which a general election is held and shall expire on the first Monday in November of the same year. Appointments to a Judicial Review Commission may not take place earlier than 45 days before the term is to commence.

(d) A vacancy in the membership of a Judicial Review Commission shall be promptly filled as provided in subsection (c) of Section 12.3 with respect to vacancies on a Judicial Nominating Commission.

(e) Judicial Review Commissions shall be governed by subsections (b), (d), (e), (g), and (i) of Section 12.3 with respect to Judicial Nominating Commissions as well as by this Section.

(f) A person who has served on a Judicial Review Commission may not serve on a Judicial Review Commission until 8 years have elapsed since the date his or her service on a Judicial Review Commission ended. A person who has served on a Judicial Nominating Commission may not serve on a Judicial Review Commission until 8 years have elapsed since the date his or her service on a Judicial Nominating Commission ended. No person may serve on a Judicial Nominating Commission while serving on a Judicial Review Commission.

(g) In each Judicial District and in Circuits governed by this Section, for each Supreme, Appellate, and Circuit Judge who has timely filed a declaration of candidacy for retention in office under Section 12.4, the Secretary of State shall, within 14 days after receipt of the declaration of candidacy, submit the Judge's name to the administrative director of the Illinois courts. Not more than 6 months nor less than 5 months before the general election next preceding the expiration of the term of office of the Judge, the administrative director of the Illinois courts shall notify the chairperson of the appropriate Judicial Review Commission of the Judge's candidacy. The chairperson shall then promptly convene the Commission.

(h) If, by concurrence of not less than two-thirds of its members, the Commission finds the candidate to be qualified for review by the Commission and qualified to serve another term, the candidate shall be retained in office for a full term commencing on the first Monday in December following the election. Not less than 84 days before the election, the Commission shall prepare and submit to each candidate its finding as to whether the Commission finds or fails to find that candidate qualified for review by the Commission and qualified to serve for another term. Not less than 77 days before the election the Commission shall submit to the Secretary of State a list stating by name:

(i) which candidates it has found qualified to serve another term;

(ii) which candidates it has failed to find so qualified; and

(iii) which candidates have withdrawn their candidacy by written notification to the Commission.

(i) Failure of a candidate to be found qualified for retention by a Judicial Review Commission shall be without prejudice to the candidate's right to stand for retention by the electorate at a general election under Section 12.4.

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State.

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 45 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

[February 5, 2010]

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At the hour of 12:34 o'clock p.m., and in accordance therewith and pursuant to HOUSE JOINT RESOLUTION 91, the House stood adjourned.